

PTO/SB/24A (08-04)

**PETITION FOR EXPRESS  
ABANDONMENT TO AVOID  
PUBLICATION UNDER 37 CFR 1.138(c)**

Fax the petition directly to the  
Pre-Grant Publication Division at (703) 305-8568  
Or Mail the petition to:  
Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/821,810
Filing Date	April 8, 2004
First Named Inventor	Chen, Xianhai
Art Unit	2871
Examiner Name	WU, SHEAN CHIU
Attorney Docket Number	014116-008700US

**Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)**

I hereby petition to expressly abandon the above-identified application to avoid publication.

**Petition Fee** – must be filed with petition to avoid delays in recognizing the petition.

- a. ☒ The Director is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.
- b. ☐ Check in the amount of \$\_\_\_\_\_ is enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 is enclosed).

**NOTE:** A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized and acted on by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

I am the: ☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Registration Number 28,572

David Slone

Signature

David N. Slone

Typed or printed name

June 3, 2005

Date

(650) 326-2400

Telephone Number

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

60505522 v1

**RECEIVED**  
USPTO-PG PUBS  
JUN 3 2005

OK FOR ABANDONMENT

JUN 6 - 2005

06/07/2005 KRING1 00000002 201430 10821810

PG PUB DIVISION  
INITIALS BD FC:1464

130.00 DA

Atty Docket No. 014116-008700US

PTO FAX NO.: (703) 305-8568

**OFFICIAL COMMUNICATION**  
**MAIL STOP EXPRESS ABANDONMENT**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of Xianhai Chen, Application No. 10/821,810, filed April 8, 2004 for POLYMER DISPERSED LIQUID CRYSTAL FORMULATIONS FOR MODULATOR FABRICATION are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

- 1) Transmittal Form (1 p);
- 2) Communication Concerning Express Abandonment to Avoid Publication (1 p);
- 3) Fee Transmittal (1 p in duplicate); and
- 4) Petition For Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) (1 p in duplicate).

Number of pages being transmitted, including this page: 6

Dated: June 3, 2005

  
Diane Hawley

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (650) 326-2422**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: (650) 326-2400  
Fax: (650) 326-2422  
0399

PTO/SB/21 (08-04)

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/821,810	
	Filing Date	April 8, 2004	
	First Named Inventor	Chen, Xianhai	
	Art Unit	2871	
	Examiner Name	WU, SHEAN CHIU	
Total Number of Pages in This Submission	6	Attorney Docket Number	014116-008700US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Communication Concerning Express Abandonment To Avoid Publication Under 37 CFR 1.138(c) (1 p).
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature	<i>David Slone</i>		
Printed name	David N. Slone		
Date	June 3, 2005	Reg. No.	28,572

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 305-8569 on June 3, 2005.			
Signature	<i>Diane Hawley</i>		
Typed or printed name	Diane Hawley	Date	June 3, 2005

PATENT  
Attorney Docket No.: 014116-008700US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Xianhai Chen

Application No.: 10/821,810

Filed: April 8, 2004

For: POLYMER DISPERSED LIQUID  
CRYSTAL FORMULATIONS FOR  
MODULATOR FABRICATION

Examiner: WU, SHEAN CHIU

Art Unit: 2871

COMMUNICATION CONCERNING  
EXPRESS ABANDONMENT TO AVOID  
PUBLICATION UNDER 37 CFR 1.138(c)

**MAIL STOP EXPRESS ABANDONMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

Applicant hereby requests that the application be expressly abandoned. A "Petition For Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)," including the Petition fee in the amount of \$130.00 are attached.

Applicant filed PCT and Taiwan patent applications on April 7, 2005 and April 8, 2005, respectively, claiming priority to the above application. The PCT application designated, among other countries, the U.S.

Please feel free to call the undersigned with any questions.

Respectfully submitted,

*David Slone*

David N. Slone  
Reg. No. 28,572

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400  
Fax: (650) 326-2422  
DNS:AT:deh  
60505190 v1

PTO/SB/17 (12-04)

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4910). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2005</h3>		<b>Complete If Known</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/821,810
		Filing Date	April 8, 2004
		First Named Inventor	Chen, Xianhai
		Examiner Name	WU, SHEAN CHIU
		Art Unit	2871
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 130		Attorney Docket No.	014116-008700US

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check  
 ☐ Credit Card  
 ☐ Money Order  
 ☐ None  
 ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account  
 Deposit Account Number: 20-1430  
 Deposit Account Name: Townsend and Townsend and Crew LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below  
 ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
-20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
-3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition For Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)

Fees Paid (\$)

130

**SUBMITTED BY**

Signature	<u>David Slone</u>	Registration No. (Attorney/Agent)	28,572	Telephone	650-326-2400
Name (Print/Type)	David N. Slone			Date	June 3, 2005